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September 4, 2020

VIA ECF

Judge Paul A. Engelmayer
United States District Court
Southern District of New York
40 Foley Square, Room 2201
New York, NY 10007

Re: *MDA Manufacturing, Inc. v. Mexichem Fluor Comercials S.A. De C.V.*, 20-cv-03835-PAE

Dear Judge Engelmayer:

We represent defendant Mexichem Fluor Comercials S.A. De C.V. (“Mexichem”) in the above-referenced matter. We write pursuant to Your Honor’s Individual Rules and Practices in Civil Cases Rule 4.B and Standing Order 19-MC-00583 to seek sealing of limited portions of the Memorandum of Law in Support of Mexichem’s Motion to Dismiss (Doc. No. 13) (the “Memorandum of Law”).

This action arises from a supply agreement between the parties (the “Supply Agreement”) that contains a confidentiality provision. When this action was commenced, plaintiff filed the Supply Agreement under seal and filed a public version of the Complaint that redacts many references to information in the Supply Agreement. *See* Doc. Nos. 2, 6, 9. Further, subsequent to the Memorandum of Law’s filing, counsel for plaintiff reached out to the undersigned and requested that such portions of the Memorandum of Law be filed under seal.

Therefore, Mexichem seeks to seal those limited portions of the Memorandum of Law that explicitly incorporate the Supply Agreement and may be determined to be confidential. A redacted version of the Memorandum of Law is filed herewith. A sealed version of the Memorandum of Law that highlights these redacted portions is filed herewith under seal.

Due to a clerical oversight, the Memorandum of Law was originally filed publicly in an unredacted form on August 24, 2020 (Doc No. 13). Accordingly, Mexichem respectfully requests the following relief:

1. The Court Order that Mexichem may file those limited portions of the Memorandum of Law that reference the Supply Agreement under seal; and

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2. The Clerk be directed to remove Doc. No. 13 from the publicly-available docket and replace it with the corrected and redacted memorandum of law filed herewith.

Thank you for your consideration.

Respectfully submitted,

s/Debbie McComas

Debbie McComas

cc: Counsel of record (via ECF)

Defendant is granted leave to file the redacted version of its Memorandum of Law in support of its Motion to Dismiss. The Clerk of Court is respectfully directed to remove the Memorandum of Law at docket 13 and replace it with the redacted version at docket 17-1.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

September 8, 2020